

**JOHN WINTER  
DEPOSITION TRANSCRIPT**

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STATE OF MICHIGAN  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

MICHAEL DUPREE, JR., a Colorado Resident,  
MICHAEL DUPREE, SR. and DARLENE DUPREE,  
his parents, Residents of the Country of Austria,

Plaintiffs:

-vs-

Case No. 2010-CV-120940-LPZ-MKM  
Hon. Laurence Zatkoff  
Mag. Mona K. Majzoub

CRANBROOK EDUCATIONAL  
COMMUNITY, JOHN J. WINTER and  
CHARLES SHAW,

Defendants:

/

The deposition of JOHN WINTER, taken before  
Lisa M. Fix, a Certified Shorthand Reporter and Notary  
Public for the County of Wayne, State of Michigan, at  
38500 Woodward, Suite 100, Bloomfield Hills, Michigan,  
on Thursday, the 13th Day of January, 2011, at 2:55  
p.m.

APPEARANCES:

THOMAS, GARVEY, GARVEY & SCIOTTI  
ATTORNEYS AT LAW  
24825 Little Mack  
St. Clair Shores, Michigan 40808  
By: CHRISTOPHER SCIOTTI, ESQ.  
Appearing on behalf of the Plaintiff:

HONIGMAN, MILLER, SCHWARTZ & COHN  
ATTORNEYS AT LAW  
660 Woodward, Suite 2290  
Detroit, Michigan 48226  
By: RUSSELL S. LINDEN, ESQ.

Appearing on behalf of the Defendant:

1 A My bachelor's, I acquired that from Western  
2 Michigan University.

3 Q What?

4 A Bachelor's degree.

5 Q From what university?

6 A From Western Michigan University --

7 Q Okay.

8 A -- in 1973. I acquired my master's in secondary  
9 education from Wayne State University I think in  
10 1982.

11 Q And then can you give me an idea of your  
12 employment history with Cranbrook?

13 A I hired in there in the fall of 1983 as a middle  
14 school science teacher. I then after three years  
15 moved to the upper school, gained residence as a  
16 house advisor as a science teacher. Becoming Dean  
17 of the boys six years later, so that would have  
18 been -- I'm trying to think of the year, doing the  
19 math in my head. It's hard for me to do this  
20 math. I need a pencil. This is terrible.

21 Q Well --

22 A I was dean for 17 years. I'm currently working as  
23 the director of alumni relations.

24 Q Okay. So suffice it to say, you were dean during  
25 2000 -- 2001 through 2003, 2004?

1 A Yes, that's correct.

2 Q And then what's your capacity now?

3 A I work as the director of alumni relations.

4 Q And when did you --

5 A July of 2010.

6 Q So you can help us explain why Michael Dupree got  
7 this alumni letter?

8 A When was the letter sent?

9 Q 2009.

10 A This was before I became.

11 Q Before?

12 A Yeah.

13 Q Okay.

14 A July of 2010.

15 Q Why did you move from Dean of boys to director of  
16 alumni relations?

17 A There was a retirement in that office, and I found  
18 that line of work to be interesting, and so it was  
19 one of those moves career-wise that worked --

20 Q Okay.

21 A -- for me.

22 Q I mean is it -- did you do that voluntarily?

23 A Oh, yeah.

24 Q Okay.

25 A Oh, yeah.

1 Q Okay.

2 A So.

3 Q And how do you know that?

4 A Reports from public safety would come in.

5 Q Okay.

6 A We have public safety on the campus.

7 Q And how would you describe his personality?

8 A Friendly, I would say.

9 Q Throughout his entire stay?

10 A Yeah. Yeah. I would not say otherwise.

11 Q Okay. How would you describe her relationship  
12 with Michael Dupree, Jr. over the years that he  
13 was there?

14 A I think it's as -- I think quite normal, ordinary.  
15 You know, as far as a student and a dean's  
16 relationship. It was one of respect I would  
17 characterize it.

18 Q Okay. Now, did that change after March of 2004?

19 A When -- no, I wouldn't say so unless it changed  
20 for Michael. I can't speak, you know, about his  
21 perception, but certainly from my perception, no.

22 Q Tell me what happened in March of 2004.

23 A Michael, I went to the math office to speak to him  
24 about an issue, I believe it was attendance, could  
25 have been excessive tardiness, and as he came to

1 my office I had said bring your book bag. So as  
2 he was in my office he was quite nervous, I said  
3 Mike, what's wrong? And we're just talking, you  
4 know, about some mundane issues, and I could smell  
5 smoke, you know, residue is a smoke, whatever it  
6 was, and I said is there anything in your book  
7 bag, because it was very obvious that he was  
8 nervous. And so the book bag revealed a pipe.

9 Q Okay. Now, did you tell him to bring his book bag  
10 to the office?

11 A Uh-huh. Yes.

12 Q Okay. Now, did you review Michael Dupree, Jr.'s  
13 deposition?

14 A I did. I did, yeah..

15 Q Okay. He testified that you came to the math  
16 room --

17 A Uh-huh.

18 Q -- and saw his book bag laying in the hallway. Is  
19 that what you remember?

20 A I know the book bag was in the hallway, yes.

21 Q Okay.

22 A Yes.

23 Q So you told him come to the office and bring your  
24 book bag?

25 A Yeah. Well, yeah, because the book bags in the

1           hallway are not typical.

2   Q    Okay.

3   A    The kids don't leave their book bags there.

4   Q    Okay. And then did he give you the book bag and  
5           you looked through it?

6   A    I don't recall the sequence. I know that I did  
7           ask him if there was something in there that would  
8           cause a problem. I don't really search the bags  
9           myself, I have the kids go through it.

10   Q    Okay.

11   A    And reveal, unzip and all that.

12   Q    And he pulled out a pipe?

13   A    There was a pipe in the bag, yeah.

14   Q    And what did the pipe look like?

15   A    As I recall, it was a glass pipe. I don't  
16           remember the color. To me it was a marijuana  
17           pipe.

18   Q    Okay.

19   A    A drug paraphernalia type.

20   Q    So what did you do about that?

21   A    That violates the possession of having a drug  
22           paraphernalia, violates our school standards, so I  
23           explained to Mike that this was a rule violation  
24           and that we had to take, you know, some steps  
25           here, and that would lead to some discipline

1 A Yes.

2 Q And when you talked to his mother Darlene, tell me  
3 the nature of that conversation.

4 A She came over to the school and, you know, I said  
5 Mrs. Dupree, you know, we have a concern here with  
6 this, you know, having this pipe. And Mike was  
7 quite upset, you know, and he ended up leaving the  
8 room, as I recall. But that's kind of where the  
9 conversation went. I explained to Mrs. Dupree  
10 that we have to initiate a Conduct Review Board  
11 over this procedure, because having that in his  
12 possession violated our school rule.

13 Q And why do you think Michael -- I take it he like  
14 abruptly left the meeting?

15 A My recollection is that he left, yes.

16 Q And why? Do you know why?

17 A I think he was upset. I don't know, you know,  
18 sometimes kids get afraid. I don't know whether  
19 he was out of fear or anger, I'm not sure, but he  
20 did leave.

21 Q And what was your demeanor during that meeting  
22 with Mrs. Dupree?

23 A My demeanor is one of just explaining to the  
24 family what had occurred. I recall that, you  
25 know, emotions were high, but not -- not anything

1           that was negative in any way that I recall.

2   Q    Okay. Now, did you at that meeting, before the  
3           Conduct Review Board, did you indicate to  
4           Mrs. Dupree what could happen to Michael?

5   A    Generally the procedure that you follow, or that I  
6           follow is to explain to the family what can  
7           happen. In this case, this was Michael's first  
8           offense in terms of a rule violation, so that  
9           conduct has to be reviewed by the Conduct Review  
10          Board, outcomes which are determined by  
11           recommendations by that board to the head of the  
12          upper school.

13   Q    And was there a Conduct Review Board held?

14   A    Yes, there was. Yes.

15   Q    Okay. And you can look at Exhibit 1.

16   A    Yes.

17   Q    We've established those are notes by Sharon  
18          Peacock.

19   A    Yes. Yes.

20   Q    Are there any other notes?

21   A    No, sir.

22   Q    Okay. And you were -- you attended that?

23   A    Yes.

24   Q    And do you remember what other students attended?

25   A    I do not recall the students.

1 Q Okay. Can you -- did you review this?

2 A Yeah, I mean -- yes.

3 Q Okay. Is there anything in these notes that you

4 disagree with?

5 A There's much in here that I don't recall.

6 Q Okay.

7 A I don't know that I disagree with it, but I just

8 don't recall.

9 Q Okay. As we go through this, I just want to ask

10 you some things about this. "The marijuana pipe

11 belonged to a friend, when pipe given to Mike last

12 night, believe it had been smoked." What's the

13 significance of that to you?

14 A This would be her notes with comments that were

15 made. So the significance to me is that Michael

16 is indicating that the pipe belonged to someone

17 else.

18 Q So and what does that mean to you?

19 A To me personally, and to the school it doesn't

20 mean any difference. Possession of a drug

21 paraphernalia is not -- is against our school

22 rules.

23 Q Okay. And what does that "Friend gave" something

24 "not anymore." Do you know what that says?

25 A I --

1 Q I don't know either.

2 A Cig. I can't make it out.

3 Q What does CW-1 mean?

4 A Where are you seeing that?

5 Q A few lines down.

6 A Oh, that refers to conduct warning level one.

7 Q It's what?

8 A Conduct warning level one.

9 Q What does that mean?

10 A It's a form of reaction to a student's behavior  
11 that we employ in the school.

12 Q And what's the significance of that conduct?

13 A It's intended, warning.

14 Q Okay.

15 A Your conduct is not considered appropriate, and  
16 therefore we give you a warning so that you think  
17 about things without repeating that behavior.

18 Q Okay. Did you consider that pipe drug  
19 paraphernalia?

20 A Yes, I did.

21 Q What, because of the configuration of it?

22 A Um, well, yeah, that's one thing. There was what  
23 I thought was some kind of residue in the bowl of  
24 the pipe.

25 Q You know, you would have found like the classic

1 pipe, tobacco pipe would that have been considered  
2 drug paraphernalia?

3 A Cigarettes are against school rules, as well. So  
4 any tobacco product, or even tobacco look-alike  
5 product is considered in that realm.

6 Q And he would have had a Conduct Review Board for  
7 that?

8 A Uh-huh.

9 Q That's yes?

10 A Yes. I'm sorry.

11 Q Down at the bottom there's a blacked out square.

12 A Uh-huh.

13 Q Do you know what that is, no to something, the  
14 prom --

15 A Yeah, it might be initials of someone in  
16 attendance at the -- that's blacked out there, I'm  
17 not sure.

18 Q Okay.

19 A No to --

20 Q What did you --

21 A As --

22 Q Go ahead.

23 A No, I don't know if it says prom or not. I can't  
24 read this.

25 Q Did you have prior knowledge that he had the pipe?

1 A No, I did not.

2 Q So after what did you -- what did you do after the  
3 hearing?

4 A After the committee concluded, there are a series  
5 of recommendations that are shared with the head  
6 of the upper school. So I would have met with  
7 Charlie Shaw.

8 Q Okay. You, or you and Sharon Peacock, or you and  
9 Eric Linder?

10 A No, no, it would be the two deans. Sometimes not  
11 both of us, but generally both of us do go to his  
12 office when we're finished.

13 Q And in this case?

14 A I can't recall whether it was both of us or one of  
15 us.

16 Q Okay. And so what did you recommend?

17 A The recommendation at that time was that Michael  
18 be placed on what we call conduct probation until  
19 June 4th, 2004. He was suspended from school for  
20 I believe it was three days, and that we advised  
21 the family that they should engage in some kind of  
22 substance evaluation, education program.

23 Q And did they comply?

24 A To my knowledge, yes.

25 Q So he remained away from school and did the

1 assessment?

2 A Uh-huh.

3 Q Is that a yes?

4 A To my knowledge, yes.

5 Q Okay.

6 A Yes.

7 Q And this was sent to James Pickett and Del Walden.

8 Who are they?

9 A Which?

10 Q I'm looking at Exhibit 2.

11 A Del Walden was one of our school counselors at the  
12 time.

13 Q Uh-huh.

14 A And James Pickett at that time was Dean of  
15 faculty.

16 Q Okay. And then from that day, May or -- or March  
17 12th, 2004 until May 27th.

18 A Uh-huh.

19 Q Which we've kind of established was the next  
20 Conduct Review Board.

21 A Date, yes.

22 Q Did you have any significant interactions with  
23 Michael, Jr?

24 A None that were significant that I recall. There  
25 might have been more attendance issues, but

1 A I don't remember that.

2 Q Do you remember a Mr. Murphy calling and  
3 complaining about Michael's driving?

4 A No, I don't. There's a Mr. Murphy faculty member,  
5 but I don't remember him ever saying anything  
6 about driving.

7 Q Okay. So is it your testimony that until -- from  
8 March 12th of 2004 through let's say May 25th,  
9 2004 that Michael's attendance at Cranbrook was  
10 relatively uneventful?

11 A I don't recollect otherwise, so yes.

12 Q Okay. Then what is the next thing that you  
13 remember that was eventful?

14 A The notification that I had been given that there  
15 was a password violation.

16 Q Okay. And was it your understanding that that  
17 password violation occurred in September of '03?

18 A The timing of the event was not as important. I  
19 don't even know if I was given the time frame of  
20 that event at the time, it was just that his  
21 password had been given to another student.

22 Q Okay. And how did you learn that?

23 A I believe it was through Tom DeCraene.

24 Q And who's Tom DeCraene?

25 A He is the coordinator of information technology

1 for the schools.

2 Q And where's -- if you were to look at Exhibit 7,  
3 that's a memo from Cranbrook IT, basically?

4 A Yep.

5 Q And who's Doug Ebert?

6 A Doug I believe was the chief financial officer of  
7 the school.

8 Q And Jim Pickett?

9 A Dean of faculty.

10 Q And Scott Looney?

11 A Again, I'm not sure the timing. Scott Looney held  
12 different positions at the school. He could have  
13 been in admissions at that time.

14 Q And Tom DeCraene?

15 A Our school's information technology person.

16 Q Okay. And this memo wasn't addressed to you, but  
17 you became aware of it?

18 A I wasn't aware of this until much later. I did  
19 not see this.

20 Q Well, the Conduct Review Board was on May 27th.

21 A Right.

22 Q So only two days later.

23 A Right. I don't think I ever saw this. I don't  
24 recall seeing this. All I know is that he had  
25 been -- I was told that he had given his password

1 out.

2 Q Okay. So is it fair to say you actually didn't  
3 see Exhibit 7 until after this whole dismissal?

4 A That's my recollection.

5 Q Okay. And what did Tom DeCraene tell you?

6 A That there was a problem, that a password had been  
7 given out, a program that allowed the capture of  
8 other ID's, passwords on computer existed. We had  
9 a student, two students involved in this.

10 Q And that was Randy Bruder?

11 A That's correct.

12 Q Tell me what you did as far as Randy -- Randy  
13 Bruder was a junior; isn't that correct?

14 A Yes, I believe so, that's correct.

15 Q And what did you do as far as Randy Bruder was  
16 concerned?

17 A Again, you ask the questions, you know, what  
18 happened. We understand there's some problems  
19 here with you having access to test files. He  
20 admitted it, called the family, told the family  
21 this is very serious, you know, Conduct Review  
22 Board, or you have the opportunity to withdraw  
23 from the school, and they chose to withdraw.

24 Q Okay. And then as far as -- so you talked to him?

25 A Yes, sir.

1 Q Randy?

2 A Yep.

3 Q Did you talk to him first before Michael?

4 A I can't recall the sequence. I believe so.

5 Q Okay. Did Randy Bruder tell you that other than  
6 giving Randy Michael's password, that Michael had  
7 no other conduct regarding this?

8 A My recollection is that he tried to own the  
9 behavior himself as most students do, but  
10 nonetheless, whether or not the program was  
11 shifted, it's the password, giving away the  
12 password what was examined.

13 Q Okay. Is that, as far as -- as far as Michael  
14 Dupree, Jr. is concerned, was that, in your mind,  
15 his major violation, giving that password away?

16 A That's correct. Yes.

17 Q In September of '03?

18 A During the school year, yes. Yes.

19 Q And to you it didn't matter whether it was before  
20 March or after March --

21 A No.

22 Q -- giving the password?

23 A The sequencing didn't come into play.

24 Q And it appears from Exhibit 6 down in that --  
25 Exhibit 6 is Sharon Peacock notes of the May

1 Q What I'm asking you is, Michael has admitted that  
2 he gave Randy the password --

3 A That is correct.

4 Q -- in the early school year, and he's admitted  
5 that. And my question is, when you talked to  
6 Randy Bruder, did Randy admit to all the other  
7 violations?

8 A He admitted to having this program that would  
9 capture passwords and allowed him to log in as a  
10 teacher to acquire tests, that's what Randy's  
11 admission was.

12 Q And you were present at the Conduct Review Board  
13 on May 27th?

14 A Yes, sir.

15 Q And you can refer to those notes now?

16 A Okay.

17 Q Who was -- who was Michael, Jr.'s advocate?

18 A Eric Lorey, teacher at the school.

19 Q And how did it happen that it was Eric Lorey?

20 A Michael's advocate would have been the director of  
21 schools, Arlyce Seibert. Arlyce Seibert couldn't  
22 be in that position because Michael was already on  
23 probation, second offense. While you're on  
24 probation could lead to an outcome of dismissal.

25 Appeals process involves Arlyce in that dismissal

1           you know, I would consider one of the tough ones  
2           because the stakes for the outcome is  
3           extraordinary here. Student on probation, already  
4           been suspended, and now up again for a major  
5           school rule violation. Those are difficult  
6           meetings that you conduct with students.

7   Q   Do you remember what did Michael admit to?

8   A   He admitted that he had given his password out.

9   Q   Okay. And when you -- after this -- did he admit  
10          to anything else?

11   A   Not to my recollection. It was the password  
12          violation was the one that was the major school  
13          rule violation at the time.

14   Q   Okay. Do you remember speaking about this matter  
15          with Sharon Peacock and Charlie Shaw?

16   A   We would -- you mean when the meeting concluded?

17   Q   Yes.

18   A   The next step is to take a recommendation forward  
19          to Charlie Shaw.

20   Q   Okay.

21   A   So I would have done that, yes.

22   Q   Michael testified that when Doctor Lorey attempted  
23          to speak that he was told he couldn't speak on  
24          Michael's behalf. Do you remember that?

25   A   Advisors speak on the behalf of the students at a

1           certain point of the meeting. I don't remember  
2           that exact statement, but they speak at the end of  
3           the meeting as we start our conclusion. So I  
4           don't know if Doctor Lorey spoke earlier or not.

5           I don't recall anyone telling him to, you know, be  
6           quiet or not to speak, because the advisor  
7           advocate is given that time at the end of the  
8           meeting.

9     Q     And do you remember him speaking?

10    A     At the end of the meeting?

11    Q     Yes.

12    A     He would have had that opportunity, yes.

13    Q     Do you have an independent memory of that?

14    A     Of his words?

15    Q     Yes.

16    A     No, I don't, sir.

17    Q     What was the conclusion after the --

18    A     For the recommendations?

19    Q     Yes.

20    A     The recommendations were to dismiss Michael.

21    Q     Okay. And on what basis?

22    A     On the basis that he had violated this condition  
23           of probation which he had been on, and that he had  
24           -- the violation was that password exchange.

25    Q     And was that the only violation, the password

1 he withdrew?

2 A Yes, I heard that, yes.

3 Q Did you have any input into that?

4 A I don't deal with the transcript end of the school  
5 business, so no, I did not.

6 Q Can you tell me why in spite of your --  
7 Cranbrook's offer to withdrawal and their refusal  
8 to withdrawal why it's on his transcript that he  
9 withdrew?

10 A I can tell you my understanding.

11 Q Okay.

12 A Is that appropriate?

13 Q Sure.

14 A My understanding of the transcript shows either  
15 completion of program, which is a graduation date,  
16 or a noncompletion of the program, which shows up  
17 as a withdrawal date. That's my understanding. I  
18 don't know the rationale behind that. I know  
19 that's my understanding.

20 Q Certainly. So you're saying it's just the matter  
21 of the form only offers two options?

22 A It's either completion of program with a  
23 graduation date, or noncompletion of program which  
24 is withdrawal date.

25 Q Okay.

1 A That's my understanding.

2 Q And who can I ask why is that? Why isn't there an  
3 option to put dismissed?

4 A I can't answer that question. I don't know the  
5 answer to you.

6 Q Would you agree with me that the transcript is  
7 incorrect?

8 A No, because he did not complete the graduation  
9 date. He withdrew at -- you know, he dismissed,  
10 but the dismissal goes towards a withdrawal date  
11 because it's a noncompletion of the program.

12 Q Then what is the point of offering a withdrawal?

13 A In the vernacular of the school, the withdrawal  
14 avoids the process of Conduct Review Board, and in  
15 which case some families decide to do that.

16 Q Okay. If he -- I don't -- you did answer my  
17 question, but that is not really what I was  
18 asking.

19 A Okay.

20 Q You offered withdrawal.

21 A Yes.

22 Q He refused.

23 A That's correct.

24 Q He was dismissed.

25 A That's correct.

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1 Q (Continuing by Mr. Sciotti) On June 1st, 2004 you  
2 wrote a letter to the Dupree's indicating that  
3 Michael had been dismissed from Cranbrook --

4 A Uh-huh.

5 Q -- as of June 1st, 2004.

6 A Uh-huh.

7 Q What were the reasons that you didn't spell out  
8 why he was dismissed?

9 A Because of the violation of the rule regarding the  
10 password.

11 Q No, my question is in the letter of June 1st why  
12 didn't you tell the Dupree's? It's not an  
13 exhibit.

14 A Oh.

15 Q I can dig it out for you.

16 A No, I kind of -- I think I remember.

17 MR. LINDEN: Maybe it would be  
18 helpful if you dig it out.

19 MR. SCIOTTI: Okay. I think  
20 it might be attached to my complaint, actually.

21 THE WITNESS: I think it was  
22 just a two sentence letter --

23 Q (Continuing by Mr. Sciotti) Yeah, it was.

24 A -- to answer your question.

25 MR. LINDEN: Well, hold on a

1 second, let's just wait.

2 MR. SCIOTTI: I think I can  
3 find it.

4 Yes, here it is.

5 Q (Continuing by Mr. Sciotti) Just take a look at  
6 it. This is attached to my complaint --

7 A Okay.

8 Q -- as Exhibit B. And do you recognize that  
9 letter?

10 A Yes, sir. Yes.

11 Q So my question is, you tell the Dupree's that  
12 Michael, Jr.'s been dismissed as of June 1st,  
13 2004. My question is, why didn't you explain in  
14 the letter the reasons he was dismissed?

15 A This is the kind of standard procedural letter  
16 that I utilize with a dismissal or withdrawal. I  
17 don't state the reasons.

18 Q Well, and why?

19 A Just the way we operate the business there. It's  
20 no use to put that reason down because the family  
21 has been engaged in conversations about the reason  
22 for the procedures already.

23 Q If you contrast that with Exhibit Number 2.

24 A Uh-huh.

25 Q Exhibit Number 2 is the letter --